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K. Cobb
8/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Takashi Yamaguchi et al.
Serial No. : 09/691,435
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TC/A.U. : 3714
Examiner : S. L. Ashburn

Confirmation No.: 4930

Docket No. : 00-631
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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REQUEST FOR RECONSIDERATION

In response to the office action dated March 14, 2003 having a shortened statutory period for response set to expire June 14, 2003, having been extended for two months so as to expire on August 14, 2003, Applicants respectfully request the Examiner to reconsider his rejection for the reasons set forth hereinbelow.

Each of the independent claims in the instant application contain the limitation of a rotating unit which consists of a transparent disk having a vertical axis wherein the rotating unit rotates in a plane perpendicular to the vertical axis of the transparent disk member. As noted in Applicant's response previously filed on November 26, 2002, this feature is not disclosed nor rendered obvious by the sum total teachings of the prior art. The Examiner in his office action, particularly the paragraph bridging Pages 7 and 8 of same, misinterprets the reference to Kaneko. The Examiner cites a portion of the Kaneko reference in his office action on Page 8, lines 5 and 6. It is submitted that the Examiner has misinterpreted the Kaneko document.

Contrary to the Examiner's contention, Kaneko discloses (1) annular rotating disk 13 on which there is formed 38 pockets 15 by partition plates 14 all arranged in a circumferential direction, (2) on the outside of each pocket is fitted a number plate 16, and (3) the number plate

16 is made of a semitransparent acrylic resin plate. Thus, the construction of Kaneko is different from that claimed in the present invention in that the claims require the "rotating unit" to consist of "a transparent disk member". This is a clear structural difference over the prior art.

In addition to the foregoing, a further difference between the claimed subject matter and the Kaneko reference is an image is projected on the central part of the screen which is not the rolling region of the rolling body in Kaneko, whereas an image is provided under the central part of the rolling disk member where the rolling body moves. This is a further distinction between the claimed subject matter and the Kaneko reference. Accordingly, it is submitted that all of the independent claims patentably distinguish over the Kaneko reference.

Applicants would further point out that dependent claim 28 contains additional subject matter which further distinguishes over the prior art. Claim 28 requires "a photograph or decorative backing provided on the back of the rotating unit". The Examiner in rejecting this claim indicates that he feels it is notoriously well known in the art to provide decorative backing. However, the decorative backing on the rotating unit in the present invention offers an effect which is not at all obtainable in the prior art construction. In the present invention as shown in Figures 7, 8 and 9, the ball on the rotating disk member moves randomly (see for example, from line 8 on Page 14 to line 6 of Page 15 of the specification). By providing a photograph or decorative backing on the back of the transparent disk member, it appears as if the rotating member does not exist. The ball is moving autonomously above the backing and together with the above random moving ball great entertainment value is obtained. In this regard see lines 18-25 on Page 8 of the specification. Thus, dependent claim 28 offers further structural limitations not suggested by the prior art. In accordance with the structure of claim 28, a game player can use the ball as if it is amazingly moving to the circumference of the backing. This effect is not

obtained by the combination of the Kaneko and Harris references. Accordingly, it is submitted that claim 28 is patentable in its own right.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Takashi Yamaguchi et al

By

Gregory P. LaPointe

Attorney for Applicants

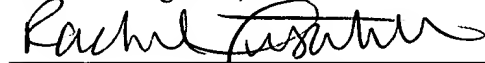
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Date: August 12, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 12, 2003.



Rachel Piscitelli